# UNITED STATES DISTRICT COURT
# DISTRICT OF MINNESOTA

FAIR ISAAC CORPORATION, a )   Case No. 16-cv-1054 (WMW/DTS)
Delaware corporation, )
 )
Plaintiff, )
 )
v. )
 )
FEDERAL INSURANCE COMPANY, )
an Indiana corporation, and ACE )
AMERICAN INSURANCE )
COMPANY, a Pennsylvania )
corporation, )
 )
Defendants. )

## DECLARATION OF HEATHER J. KLIEBENSTEIN IN SUPPORT OF PLAINTIFF FAIR ISAAC CORPORATION'S MEMORANDUM IN SUPPORT OF MOTION TO EXCLUDE TESTIMONY OF DR. STEVEN KURSH

I, Heather J. Kliebenstein, declare as follows:

1.      I am a shareholder with Merchant & Gould P.C., and I am one of the attorneys of record for Plaintiff Fair Isaac Corporation in the above captioned matter.

2.      I make this declaration on my own information, knowledge, and belief in support of Plaintiff's Motion to Exclude Testimony of Dr. Steven Kursh.

3.      Attached hereto as Exhibit 1 is a true and correct copy of the Expert Report of Steven R. Kursh, Ph.D., CSDP, CLP, served on May 17, 2019.  This document is filed UNDER SEAL.

4.      Attached hereto as Exhibit 2 is a true and correct copy of the transcript of the June 25, 2019 deposition of Dr. Steven Kursh. This document is filed UNDER SEAL.

5.      Attached hereto as <u>Exhibit 3</u> is a true and correct copy of the Software

License and Maintenance Agreement, Bates numbers FICO0001702-1720.  This

document is filed UNDER SEAL.

6.      Attached hereto as <u>Exhibit 4</u> is a true a correct copy of FICO's Sizing

Matrix, produced as Bates numbered document FICO0000830 and used as Kursh

Deposition Exhibit 516.  This document is filed UNDER SEAL.

7.      Attached hereto as <u>Exhibit 5</u> is a true and correct copy of FICO's Global

Price List, produced as Bates numbers FICO0057386-412 and used as Waid Deposition

Exhibit 421. This document is filed UNDER SEAL.

8.      Attached hereto as <u>Exhibit 6</u> is a true and correct copy of Federal's

Application Sizing Chart produced as Bates numbered document FED017914 and used as

McCarter Deposition Exhibit 454.  This document is filed UNDER SEAL.


Dated: July 26, 2019                                    /s/ Heather J. Kliebenstein
                                                        Heather J. Kliebenstein